

REMARKS

Claims 1-14 are pending. Claims 1 and 9-11 are withdrawn from consideration. By this Amendment, Claims 2 and 5 are amended and new Claim 14 is added.

Information Disclosure Statement filed 15 September 2001

In the Office Action, the Examiner alleges that the Information Disclosure Statement filed 01 November 2000 fails to comply with all requirements of 37 C.F.R. § 1.98(a)(2). Further to the telephone conversation between the Examiner and Applicant's representative on 15 September 2003, it appears that the Examiner did not receive the references filed with the Information Disclosure Statement. However, as indicated in M.P.E.P. § 503, the stamped postcard (copy filed herewith) of the same date is *prima facie* evidence that the U.S. Patent and Trademark Office did in fact receive the references with the Information Disclosure Statement on 15 September 2001. Thus, the Information Disclosure Statement filed on 15 September 2001 satisfied all requirements of 37 C.F.R. § 1.98(a)(2). Copies of the references and of the Form PTO-1449 are filed herewith for the Examiner's convenience. Applicant respectfully requests the Examiner to initial and return the Form PTO-1449, and thereby confirm that the references have been considered and made of record.

Claim Rejection - 35 U.S.C. § 112, 2nd ¶

In the Office Action, the Examiner rejects Claim 3 under 35 U.S.C. § 112, 2nd ¶ on grounds it is unclear how the receiver estimates interference if the "at least one reserved code" is not used for transmitting signals. This rejection is respectfully traversed.

Applicant respectfully submits that the Summary section of the present application explains how the receiver estimates interference when the "at least one reserved code" is not used for transmitting signals. In other words, the despread signal indicates a measurement of interference, because the despread signal contains no data (none of the stations are using the code to transmit data) and therefore the only thing left in the signal after despreading it, is any noise that may be present.

Withdrawal of the rejection of Claim 3 under 35 U.S.C. § 112, 2nd ¶ is respectfully requested.

Claim Rejection - 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejects Claims 2, 3-7 and 12-13 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,420,850 to Umeda, *et al.* (Umeda). This rejection is respectfully traversed.

Umeda discloses despreading a received signal, wherein within a window (e.g., a-b as shown in Figure 6A) the despread signal is considered to contain data, and outside the window the signal is considered to contain only noise. The noise outside the window is accumulated to obtain an interference signal level that is then subtracted from the signal received during or within the window, to reduce or remove signal interference. See, for example, Column 9, lines 14-29; and Figure 4.

Accordingly, Umeda fails to disclose or suggest estimating interference by *reserving at least one code in a set of codes for interference measurement only*, receiving a composite signal, and estimating said interference at a receiver using said at least one

reserved code, as recited in Claim 2. Umeda likewise fails to disclose or suggest a mobile station including a receiver for receiving a signal over an air interface and despread the signal using at least one channelization code, and a processor for providing the at least one channelization code to the receiver, the at least one channelization code including a reserved code that is used *only* to estimate interference associated with the received signal, as recited in Claim 5.

Umeda likewise fails to disclose or suggest that the at least one reserved code is not used for transmitting signals, as recited in Claim 3, and fails to disclose or suggest a received signal that does not contain data spread with the reserved code, as recited in Claim 14.

For at least the above reasons, Applicant respectfully requests withdrawal of the rejection of Claims 2, 3-7 and 12-13 under 35 U.S.C. § 102(b) over Umeda.

Claim Rejection - 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejects Claim 8 under 35 U.S.C. § 103(a) over Umeda in view of U.S. Patent No. 5,583,851 to Kato, *et al.* (Kato). This rejection is respectfully traversed. Applicant respectfully submits that Kato fails to overcome the deficiencies of Umeda set forth above, and therefore the asserted combination fails to disclose all of the features recited in Claim 8, which depends from allowable Claim 1.

Conclusion

Applicant respectfully submits that the application is in condition for allowance.


Favorable consideration on the merits and prompt allowance are respectfully requested.

In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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